

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Continuation Application of)
Rajesh K. Pankaj) For: METHOD OF RATE ALLOCATION
Serial No.: Unknown) IN A DATA COMMUNICATIONS
Filed: Herewith) NETWORK
Anticipated Group Art Unit: 2663

PRELIMINARY AMENDMENT

Assistant Commissioner of Patents
BOX NEW PATENT APPLICATION
CONTINUATION
Washington, D.C. 20231

Attention: C. LEE
Examiner

Dear Assistant Commissioner:

The following is a preliminary amendment of the above-identified application, which is a Rule 1.53(b) Continuation Application of parent Application Serial No. 09/264,297 filed 03/08/1999 entitled "METHOD OF RATE ALLOCATION IN A DATA COMMUNICATIONS NETWORK". Please amend the above-identified application as follows:

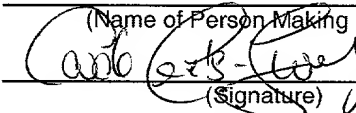
I hereby certify that this correspondence is being deposited with the United States Postal Service as EXPRESS mail in an envelope addressed to the Assistant Commissioner of Patents, Washington, D.C. 20231, on:

09/11/2001

(Date of Deposit)

Carola Emelius-Swartz

(Name of Person Making Deposit)



(Signature)

09/11/2001

(Date of Signature)

REMARKS

Claims 1-23 are pending in this application. In the Office Action mailed January 18, 2001, in connection with the parent application, the Examiner rejected Claims 1-20 based on prior art of record. Applicant respectfully submits that the prior art of record, singly or in combination, does not disclose or suggest these claims.

1. **Rejection under 35 U.S.C. 102(b)**

The Examiner rejected claims 1-3, 6-7, 12-18, and 20 as being allegedly anticipated by U.S. Patent No. 5,625,628 issued to Heath. Applicant respectfully submits that Heath does not disclose the claimed limitations.

Specifically, Heath does not disclose allocating a first portion and a second portion of the common channel to each of the plurality of producers, as claimed in Claim 1. In contrast, Heath discloses designating the inroute frames in two portions: Transaction Reservation (TR) and Aloha portions. The portions mentioned in Heath are not allocated to producers. The TR and Aloha portions are not producers, and they function differently from each other. (See col. 1, lines 54-67, and col. 6, lines 57-64, for example).

Furthermore, Heath does not disclose allocating the second portion to each of the producers based on the extend of the usage of the respective first portion that had been allocated to the each of the producer, as claimed in Claim 1. In sharp contrast, Heath discloses designating any part of the TR portion that is not utilized to Aloha portion. (See col. 3, line 2-4, col. 4, lines 56-62, col. 5, lines 27-32, and col. 7, lines 63-57, for example). According to Heath, designating TR portion to Aloha portion is not based on the extend of the usage of previously allocated Aloha portion to a producer. Rather, the slots in the TR portion may be designated to Aloha portion only if any is left. According to Heath, even if all Aloha slots were used by a remote terminal, no additional Aloha portion would be allocated to that remote terminal, because either no TR portion may have been designated, e.g., Fig. 3, or no TR slot may have remained to be designated as extra Aloha slots.

Therefore, since Heath does not disclose at least the above claimed inventions, Applicant respectfully requests the Examiner to withdraw this rejection.

2. Rejection under 35 U.S.C. 103(a)

The Examiner rejected claims 4, 5, 8-11, and 19 as being allegedly unpatentable over U.S. Patent No. 5,625,628 issued to Heath in view of U.S. Patent No. 5, 566,168 issued to Dent. Applicant respectfully submits that neither Heath nor Dent discloses nor suggests the claimed limitations.

For the reasons stated above in connection with claim 1, Heath does not disclose the limitations in claims 4, 5, 8-11, and 19. However, Dent also fails to disclose or suggest the limitations that Heath fails to disclose.

Therefore, since neither Heath nor Dent, singly or in combination, discloses or suggests at least the above claimed inventions, Applicant respectfully requests the Examiner to withdraw this rejection.

REQUEST FOR ALLOWANCE

In view of the foregoing, Applicant submits that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application is earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below

Respectfully submitted,

Dated: 09/11/2001

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